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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

JL

12 CHARLES JASON MORAN,

CV 08

3188

13 Plaintiff,) Case No.

14 vs.)

15 PIPER JAFFRAY & CO., d/b/a PIPER)
JAFFRAY,
16 Defendant.)
17)
18)
19)

) NOTICE OF REMOVAL OF CIVIL
ACTION PURSUANT TO 28 U.S.C.
§ 1441

) [Diversity Jurisdiction]

20 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
21 NORTHERN DISTRICT OF CALIFORNIA:

22 PLEASE TAKE NOTICE that Defendant PIPER JAFFRAY & CO. hereby
23 removes to this Court the state court action described below:
24
25
26

I. PLEADINGS AND PROCEEDINGS TO DATE

1. Defendants have been named in a civil action filed June 19, 2008, in the Superior Court of the State of California, County of San Francisco, entitled Charles Jason Moran v. Piper Jaffray & Co., d/b/a Piper Jaffray, Case No. CGC 08-476490. A true and correct copy of that state court Complaint and Summons are attached hereto as Exhibit 1 to the Declaration of Anne Moriarty (“Moriarty Declaration”).

8 2. True and correct copies of all the process, pleadings, and orders served
9 upon Defendant, other than the Summons and Complaint, are attached hereto as
10 Exhibits 2 through 11 to the Moriarty Declaration.

II. JURISDICTION

13 3. This action is a civil action of which this Court has original jurisdiction
14 under 28 U.S.C. § 1332, and is one which may be removed to this Court by
15 Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil
16 action between citizens of different states and the matter in controversy exceeds the
17 sum of \$75,000, exclusive of interest and costs. The amount in controversy is the
18 potential liability of Defendant which is at least \$392,800, the value of Plaintiff's
19 restricted stock as alleged by Plaintiff. See, ¶3 of the Declaration of Charles Jason
20 Moran In Support of Motion for Preliminary Injunction attached as Exhibit 8 to the
21 Moriarty Declaration; see, also, Plaintiff's Memorandum of Law and Points of
22 Authorities in Support of Plaintiff's Motion For Preliminary Injunction, pg. 2, ln. 16-
23 17 attached as Exhibit 7 to the Moriarty Declaration.

24 4. Complete diversity of citizenship exists. Plaintiff Charles Jason Moran
25 is currently and was at the time of the commencement of this action a citizen of the
26 State of California. Defendant Piper Jaffray & Co. is currently and was at the time

1 of the commencement of this action a corporation incorporated under the laws of the
2 State of Delaware and having its principal place of business in the State of
3 Minnesota.

4 5. Accordingly, because there is complete diversity of citizenship, this
5 Court has original jurisdiction over this matter under 28 U.S.C. §1332.
6 Furthermore, Defendant is not a citizen of the State of California. Defendant may
7 therefore remove this action to this Court pursuant to the provision of 28 U.S.C. §
8 1441(a) and (b).

9

10 **III. VENUE AND INTRADISTRICT ASSIGNMENT**

11 11. Pursuant to 28 U.S.C. § 1441(a), this action is properly removed to the
12 Northern District of California, because this District embraces the Superior Court of
13 California, County of San Francisco.

14 12. Pursuant to Local Rule 3.2(c) and (d), this action is properly assigned
15 to the San Francisco Division because this action arose and was filed in the county
16 of San Francisco.

17

18 **IV. NOTICE**

19 13. This Notice of Removal is filed within thirty days after the receipt by
20 Defendant of a copy of the Complaint. See 28 U.S.C. § 1446(b).

21 14. Concurrent with the filing of this Notice, Defendant has provided
22 written notice thereof to all adverse parties in compliance with 28 U.S.C. § 1446(d).
23 A true and correct copy of that Notice is attached as Exhibit 13 to the Moriarty
24 Declaration.

25 15. Defendant has also currently filed a copy of the Notice of Removal with
26 the Clerk of the Superior Court of the State of California for the County of San

1 Francisco. A true and correct copy of that Notice is attached hereto as Exhibit 12
2 to the Moriarty Declaration.

3

4 WHEREFORE, Defendant prays that the above-referenced action pending in
5 the Superior Court of the State of California, County of San Francisco be removed
6 therefrom to this Court.

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DATED at San Francisco this 2nd day of July, 2008.

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Anne Moriarty

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